

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

CHRISTOPHER BERNARD TURNS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:14CV649-TSL-RHW

HARVEY JOHNSON, JR. et al

DEFENDANTS

**PROPOSED FINDINGS OF FACT AND RECOMMENDATION**

Before the Court is Plaintiff Christopher Bernard Torns' motion to proceed *in forma pauperis*. Doc. [2]. On August 20, 2014, Torns filed a 42 U.S.C. § 1983 civil rights complaint relating to incidents and interactions between himself and the City of Jackson's police department. Doc. [1].

In his motion, Plaintiff indicates that over the past 12 months he has earned approximately \$800.00 per month as an employee at Krystal. He indicates that he has no expenses. Because Plaintiff's income exceeds his expenses by approximately \$800 per month, the undersigned finds that Plaintiff is able to pay the filing fee associated with this case. The undersigned concludes that Plaintiff is not entitled to proceed without *in forma pauperis*.

**RECOMMENDATION**

The undersigned recommends that Plaintiff's motion to proceed *in forma pauperis* should be denied and that Plaintiff should be directed to pay the filing fee or his case will be dismissed for want of prosecution.

**NOTICE OF RIGHT TO APPEAL/OBJECT**

Pursuant to 28 U.S.C. § 636(b)(1), any party who desires to object to this report must serve and file written objections within fourteen (14) days after being served with a copy unless

the time period is modified by the District Court. A party filing objections must specifically identify those findings, conclusions and recommendations to which objections are being made; the District Court need not consider frivolous, conclusive or general objections. Such party shall file the objections with the Clerk of the Court and serve the objections on the District Judge and on all other parties. A party's failure to file such objections to the proposed findings, conclusions and recommendation contained in this report shall bar that party from a de novo determination by the District Court. Additionally, a party's failure to file written objections to the proposed findings, conclusions, and recommendation contained in this report within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed **factual findings and legal conclusions** that have been accepted by the district court and for which there is no written objection. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

SO ORDERED, this the 14th day of October, 2014.

/s/ *Robert H. Walker*  
ROBERT H. WALKER  
UNITED STATES MAGISTRATE JUDGE